

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
GUILLERMO GONZALES, individually and on behalf  
of all others similarly situated,

Plaintiff,

-against-

08 CV 3887 (RWS)

Oral Argument Requested

**NOTICE OF MOTION**

SPICE PLACE, INC., SPICE AVE., INC.,  
BANGKOK PALACE II, INC., SPICE CITY, INC.,  
SPICE WEST, INC., KITLEN MANAGEMENT, INC.,  
KITTIGRON LIRTPANARUK and YONGYUT  
LIMLEARTVATE,

Defendants.  
-----X

PLEASE TAKE NOTICE that, upon the annexed Affirmation of Robert D. Lipman and the exhibits thereto, the accompanying memorandum of law, and all the pleadings and proceedings heretofore had herein, Defendants Spice Place, Inc., Spice Ave., Inc., Bangkok Palace II, Inc., Spice City, Inc., Spice West, Inc., Kitlen Management, Inc., Kittigron Lirtpanaruk and Yongyut Limleartvate will move this Court before the Honorable Robert W. Sweet, United States District Judge, in Courtroom 18C at the United States Courthouse, 500 Pearl Street, New York, New York, at a date and time to be determined by the Court, for an order: (1) dismissing this action on the ground that it is duplicative of a previously-filed action, Castro et al. v. Spice Place, Inc. et al., S.D.N.Y. Civ. No. 07-cv-4657 (RWS); (2) dismissing this action pursuant to Fed. R. Civ. P. 12(b)(6) for failure to adequately state a claim upon which relief can be granted; (3) dismissing this action pursuant to Fed. R. Civ. P. 12(b)(7) for failure to join a party under Fed. R. Civ. P. 19; (4) dismissing plaintiff's claims under the Federal Labor Standards Act as time-barred to the extent he seeks relief

based on the work plaintiff allegedly performed at the restaurant located at 60 University Place, New York, New York, from approximately November 2001 until November 2004; and (5) for such other and further relief as the Court may deem just and proper.

Dated: New York, New York  
July 28, 2008

LAW OFFICE OF  
RICHARD E. SIGNORELLI

By:                     /s/                      
Richard E. Signorelli (RS 7976)  
Bryan Ha (BH 5295)  
Co-Counsel for Defendants  
799 Broadway, Suite 539  
New York, NY 10003  
Telephone: 212-254-4218  
Facsimile: 212-254-1396  
E-mail: rsignorelli@nycLITIGATOR.com

Robert D. Lipman (RL 3564)  
Lipman & Plesur, LLP  
Co-Counsel for Defendants  
500 North Broadway, Suite 105  
Jericho, NY 11753  
Telephone: 516-931-0050  
Facsimile: 516-931-0030  
E-mail: lipman@lipmanplesur.com